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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **OOCL-83 (20020P501)**

Appl. No.: **10/071,836**

Applicant/Appellant: **Tetsuya TOYODA**

Filed: **February 8, 2002**

Title: **ELECTRONIC CAMERA FOR ASSOCIATING PREDETERMINED IMAGE FORMING INSTRUCTION INFORMATION, IMAGE FORMING APPARATUS, STORAGE MEDIUM, AND ELECTRONIC CAMERA SYSTEM**

TC/A.U.: **2622**

Examiner: **Nelson D. Hernandez**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
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S I R:

## APPEAL BRIEF

Further to the Notice of Appeal filed on January 23, 2008, which set a period for response to expire on March 23, 2008 that period being extended three (3) months to expire on June 23, 2008, the appellant requests that the Board reverse all outstanding grounds of rejection in view of the following.

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## I. Real Party In Interest

The real party in interest is Olympus Optical Co., Ltd., currently doing business as Olympus Corporation. An assignment of the above referenced patent application from the inventor to Olympus Optical Co., Ltd. was recorded in the Patent Office starting at Frame 0598 of Reel 013047.

## II. Related Appeals and Interference

There are no related appeals or interferences.

## III. Status of Claims

Claims 1-21 and 48-64 are pending.

Claims 1-4, 7-11, 13-21, 48-52, 54-58 and 60-64 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,850,271 ("the Ichikawa patent") in view of U.S. Patent No. 6,597,468 ("the Inuiya patent").

Claims 5, 6, 12, 53 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ichikawa patent in view of the Inuiya patent, in further view of U.S. Patent No. 6,965,410 B1 ("the Yamagishi patent").

The foregoing rejections of claims 1-21 and 48-64 are appealed.

## IV. Status of Amendments

There have been no amendments subsequent to the final Office Action (Paper No. 20070809).



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## V. Summary of the Claimed Subject Matter

Embodiments consistent with the present invention concern obtaining a printout of an image by a printer, and in particular, concern properly reflecting settings of a camera adopted for taking a photograph to qualities of the printout in a way that reduces manual work needed to be performed by a photographer to obtain a desirable image printout, while capturing the intention of the photographer. With this background in mind, the claims defined by 37 C.F.R. § 41.37 (c) (1) (v) are summarized.

Independent claim 1 claims an electronic camera comprising: an image capturing unit capturing an image of a subject, and outputting an image signal (This is supported, for example, by elements 1-4 of Figure 1, element S307 of Figure 3, page 9, lines 3 and 4, and page 26, lines 10-20 of the specification.); an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (This is supported, for example, by element 7 of Figure 1, element S308 of Figure 3, page 9, lines 4-7, page 26, line 24 through page 27, line 4, and page 34, lines 5-10 of the specification.); a setting unit setting an image capturing condition for capturing the image of the subject (This is supported, for example, by element 21 of Figure 1, elements S301-S306 of Figure 3, page 9, lines 7-9, page 29, lines 7-13, and page 32, line 15 through page 34, line 4 of the specification.); a storing unit storing a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the image data (This is supported, for example, by element 9



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of Figure 1, Figures 4A and 4B, page 9, lines 9-11, page 27, lines 15-24, and page 36, lines 6-16 of the specification.); a selecting unit automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured (This is supported, for example, by elements 7 and 9 of Figure 1, element S309 of Figure 3, Figures 4A and 4B, page 9, lines 9-16, page 27, lines 4-9, page 34, line 11 through page 35, line 5, and page 36, line 6 through page 41, line 6 of the specification.); and an outputting unit associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data (This is supported, for example, by elements 7, 13, 15, 18 and 19 of Figure 1, elements S308-S310 of Figure 3, page 9, lines 16-20, page 26, line 24 through page 27, line 9, and page 35, line 6 through page 36, line 3 of the specification.).

Corresponding independent method claim 8 recites corresponding acts performed by the apparatus in independent apparatus claim 1. Accordingly, the acts recited in claim 8 are supported by the sections of the application cited above with reference to claim 1.

Independent claim 2 claims an electronic camera comprising: an image capturing unit capturing an image of



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a subject, and outputting an image signal (This is supported, for example, by elements 1-4 of Figure 1, element S307 of Figure 3, page 9, lines 3 and 4, and page 26, lines 10-20 of the specification.); an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (This is supported, for example, by element 7 of Figure 1, element S308 of Figure 3, page 9, lines 4-7, page 26, line 24 through page 27, line 4, and page 34, lines 5-10 of the specification.); a shooting mode selecting unit selecting a mode used for shooting from among a plurality of shooting modes (This is supported, for example, by element 21 of Figure 1, elements S301-S305 of Figure 3, page 9, lines 7-9, page 25, lines 12-19, page 29, lines 7-13, and page 32, line 15 through page 34, line 4 of the specification.); a storing unit storing a plurality of image forming instruction modes used when an image forming apparatus forms a visible image based on the image data (This is supported, for example, by element 9 of Figure 1, Figures 4A and 4B, page 9, lines 9-11, page 27, lines 15-24, and page 36, lines 6-16 of the specification.); an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the shooting mode selected by said shooting mode selecting unit, the shooting mode being the shooting mode under which the subject was captured (This is supported, for example, by elements 7 and 9 of Figure 1, element S309 of Figure 3, Figures 4A and 4B, page 9, lines 9-16, page 25, lines 12-19, page 27, lines 4-9, page 34, line 11 through page 35,



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line 5, and page 36, line 6 through page 41, line 6 of the specification.); and an outputting unit associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data (This is supported, for example, by elements 7, 13, 15, 18 and 19 of Figure 1, elements S308-S310 of Figure 3, page 9, lines 16-20, page 26, line 24 through page 27, line 9, and page 35, line 6 through page 36, line 3 of the specification.).

Corresponding independent method claim 9 recites corresponding acts performed by the apparatus in independent apparatus claim 2. Accordingly, the acts recited in claim 9 are supported by the sections of the application cited above with reference to claim 2.

Independent claim 3 claims an electronic camera comprising: an image capturing unit capturing an image of a subject, and outputting an image signal (This is supported, for example, by elements 1-4 of Figure 1, element S307 of Figure 3, page 9, lines 3 and 4, and page 26, lines 10-20 of the specification.); an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (This is supported, for example, by element 7 of Figure 1, element S308 of Figure 3, page 9, lines 4-7, page 26, line 24 through page 27, line 4, and page 34, lines 5-10 of the specification.); an image capturing condition setting unit setting a condition for image capturing performed by said image capturing unit based on status of the subject (This is supported, for



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example, by element 21 of Figure 1, elements S301-S305 of Figure 3, page 9, lines 7-9, page 25, lines 12-19, page 29, lines 7-13, and page 33, line 14 through page 34, line 4 of the specification.); a storing unit storing a plurality of image forming instruction modes used when an image forming apparatus forms a visible image based on the image data (This is supported, for example, by element 9 of Figure 1, Figures 4A and 4B, page 9, lines 9-11, page 27, lines 15-24, and page 36, lines 6-16 of the specification.); an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the condition for image capturing, which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured (This is supported, for example, by elements 7 and 9 of Figure 1, element S309 of Figure 3, Figures 4A and 4B, page 9, lines 9-16, page 25, lines 12-19, page 27, lines 4-9, page 34, line 11 through page 35, line 5, and page 36, line 6 through page 41, line 6 of the specification.); and an outputting unit associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data (This is supported, for example, by elements 7, 13, 15, 18 and 19 of Figure 1, elements S308-S310 of Figure 3, page 9, lines 16-20, page 26, line 24 through page 27, line 9, and page 35, line 6 through page 36, line 3 of the specification.).



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Corresponding independent method claim 10 recites corresponding acts performed by the apparatus in independent apparatus claim 3. Accordingly, the acts recited in claim 10 are supported by the sections of the application cited above with reference to claim 3.

Independent claim 4 claims an electronic camera comprising: an image capturing unit capturing an image of a subject, and outputting an image signal (This is supported, for example, by elements 1-4 of Figure 1, element S307 of Figure 3, page 9, lines 3 and 4, and page 26, lines 10-20 of the specification.); an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (This is supported, for example, by element 7 of Figure 1, element S308 of Figure 3, page 9, lines 4-7, page 26, line 24 through page 27, line 4, and page 34, lines 5-10 of the specification.); a shooting mode selecting unit selecting a mode used for shooting from among a plurality of shooting modes (This is supported, for example, by element 21 of Figure 1, elements S301-S305 of Figure 3, page 9, lines 7-9, page 25, lines 12-19, page 29, lines 7-13, and page 33, line 14 through page 34, line 4 of the specification.); an image capturing condition setting unit setting a condition for image capturing performed by said image capturing unit based on status of the subject (This is supported, for example, by element 21 of Figure 1, elements S301-S305 of Figure 3, page 9, lines 7-9, page 25, lines 12-19, page 29, lines 7-13, and page 33, line 14 through page 34, line 4 of the specification.); a storing unit storing a plurality of image forming



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instruction modes used when an image forming apparatus forms a visible image based on the image data (This is supported, for example, by element 9 of Figure 1, Figures 4A and 4B, page 9, lines 9-11, page 27, lines 15-24, and page 36, lines 6-16 of the specification.); an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the shooting mode selected by said shooting mode selecting unit, and the condition for image capturing, which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured (This is supported, for example, by elements 7 and 9 of Figure 1, element S309 of Figure 3, Figures 4A and 4B, page 9, lines 9-16, page 25, lines 12-19, page 27, lines 4-9, page 34, line 11 through page 35, line 5, and page 36, line 6 through page 41, line 6 of the specification.); and an outputting unit associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data (This is supported, for example, by elements 7, 13, 15, 18 and 19 of Figure 1, elements S308-S310 of Figure 3, page 9, lines 16-20, page 26, line 24 through page 27, line 9, and page 35, line 6 through page 36, line 3 of the specification.).

Corresponding independent method claim 11 recites corresponding acts performed by the apparatus in independent apparatus claim 4. Accordingly, the acts



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recited in claim 11 are supported by the sections of the application cited above with reference to claim 4.

Independent claim 5 claims an electronic camera comprising: an image capturing unit capturing an image of a subject, and outputting an image signal (This is supported, for example, by elements 1-4 of Figure 1, element S307 of Figure 3, page 9, lines 3 and 4, and page 26, lines 10-20.); an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (This is supported, for example, by element 7 of Figure 1, element S308 of Figure 3, page 9, lines 4-7, page 26, line 24 through page 27, line 4, and page 34, lines 5-10 of the specification.); a setting unit setting an image capturing condition for capturing the image of the subject from among a plurality of image capturing conditions to which priorities are assigned (This is supported, for example, by element 21 of Figure 1, elements S301-S305 of Figure 3, page 9, lines 7-9, page 25, lines 12-19, page 29, lines 7-13, page 33, line 14 through page 34, line 4, and page 37, lines 4-19 of the specification.); a storing unit storing a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the image data (This is supported, for example, by element 9 of Figure 1, Figures 4A and 4B, page 9, lines 9-11, page 27, lines 15-24, and page 36, lines 6-16 of the specification.); a selecting unit automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in



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said storing unit, based on a priority assigned to the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured (This is supported, for example, by elements 7 and 9 of Figure 1, element S309 of Figure 3, Figures 4A and 4B, page 9, lines 9-16, page 25, lines 12-19, page 27, lines 4-9, page 34, line 11 through page 35, line 5, and page 36, line 6 through page 41, line 6 of the specification.); an outputting unit associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data (This is supported, for example, by elements 7, 13, 15, 18 and 19 of Figure 1, elements S308-S310 of Figure 3, page 9, lines 16-20, page 26, line 24 through page 27, line 9, and page 35, line 6 through page 36, line 3 of the specification.).

Corresponding independent method claim 12 recites corresponding acts performed by the apparatus in independent apparatus claim 5. Accordingly, the acts recited in claim 12 are supported by the sections of the application cited above with reference to claim 5.

Independent claim 7 claims an electronic camera system having an electronic camera, and an image forming apparatus. The claimed electronic camera comprises: an image capturing unit capturing an image capturing unit capturing an image of a subject, and outputting an image signal (This is supported, for example, by elements 1-4 of Figure 1, page 10, lines 20 and 21, page 26, lines



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10-20, and page 51, lines 18-20 of the specification.); an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (This is supported, for example, by element 7 of Figure 1, element S909 of Figure 9, page 10, lines 21-24, page 26, line 24 through page 27, line 4, and page 55, lines 5-11 of the specification.); a setting unit setting an image capturing condition for capturing the image of the subject (This is supported, for example, by element 21 of Figure 1, elements S902-S905 of Figure 9, page 9, lines 7-9, page 29, lines 7-13, page 33, line 14 through page 34, line 4, page 51, lines 18-20, and page 54, lines 10-19 of the specification.); a storing unit storing a plurality of pieces of image forming instruction information used when the image forming apparatus forms a visible image based on the image data (This is supported, for example, by element 9 of Figure 1, Figures 8A and 8B, page 11, lines 1-3, page 51, line 18 through page 52, line 10 of the specification.); a selecting unit automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured (This is supported, for example, by elements 7 and 9 of Figure 1, Figures 8A and 8B, elements S910-S915 of Figure 9, page 11, lines 3-7, and page 55, line 20 through page 56, line 25 of the specification.); and an outputting unit associating the image forming instruction information selected by said



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selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data (This is supported, for example, by element 7 of Figure 1, element S921 of Figure 9, page 11, lines 7-11, page 57, lines 6-13, and page 65, lines 17-24 of the specification.). The claimed image forming apparatus comprises: a reading unit reading image data to be formed as an image, and the selected image forming instruction information in association with the image data (This is supported, for example, by elements 53 and 55 of Figure 7, elements S1103 and S1105 of Figure 11, page 50, line 3 through page 51, line 15, and page 60, line 23 through page 61, line 16 of the specification.); an image forming mode selecting unit selecting an image forming mode, which corresponds to the image forming instruction information read by said reading unit, from among a plurality of image forming modes performing an image forming process according to a different condition (This is supported, for example, by element 31 of Figure 2, elements 53 and 55 of Figure 7, elements S1106-S1109 of Figure 11, page 29 line 14 through page 30, line 7, page 50, line 3 through page 51, line 15, and page 61, line 16 through page 62, line 14 of the specification.); an image forming processing unit performing an image quality forming process according to the image forming mode selected by said image forming mode selecting unit (This is supported, for example, by element 31 of Figure 2, elements S1110-S1111 of Figure 11, page 29 line 14 through page 30, line 7, and page 62, line 15 through page 64, line 2 of the specification.); and an image outputting unit outputting image data for which an image process is performed by said image forming



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processing unit (This is supported, for example, by elements 31 and 35 of Figure 2, element S1117 of Figure 11, page 29 line 14 through page 30, line 7, and page 64, lines 3-6 of the specification.).

Corresponding independent method claim 13 recites corresponding acts performed by the system in independent system claim 7. Accordingly, the acts recited in claim 13 are supported by the sections of the application cited above with reference to claim 13.

Independent claim 14 claims an electronic camera comprising: an image capturing unit capturing an image of a subject, and outputting an image signal (This is supported, for example, by elements 1-4 of Figure 1, page 12, lines 21 and 22, page 26, lines 10-20, page 70, lines 13-15, and page 73, lines 17-24 of the specification.); an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (This is supported, for example, by element 7 of Figure 1, element S1409 of Figure 14, page 12, lines 22-25, page 26, line 24 through page 27, line 4, and page 73, lines 10-16 of the specification.); a shooting condition correcting unit correcting a shooting condition for exposure or image quality at the time of shooting (This is supported, for example, by element 21 of Figure 1, elements S1402-S1410 of Figure 14, page 12, line 25 through page 13, line 2, page 13, line 14 through page 14, line 2, page 29, lines 7-13, and page 73, line 14 through page 74, line 19 of the specification); a setting unit automatically setting correction instruction information for instructing a



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correction for a process performed when an image forming apparatus forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit, the shooting condition being the shooting condition under which the subject was captured (This is supported, for example, by elements 7 and 9 of Figure 1, Figure 13, element S1510 of Figure 15, page 13, lines 2-7, and page 76, line 15 through page 77, line 14 of the specification.); an outputting unit associating the set correction instruction information for instructing a correction for a process performed when the image forming apparatus forms a visible image, which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data (This is supported, for example, by element 7 of Figure 1, element S1422 of Figure 14, element S1522 of Figure 15, page 13, lines 7-13, page 75, lines 16-21, and page 78, lines 15-20 of the specification.).

Corresponding independent method claim 20 recites corresponding acts performed by the system in independent system claim 14. Accordingly, the acts recited in claim 20 are supported by the sections of the application cited above with reference to claim 14.

Independent claim 17 claims an electronic camera system having an electronic camera, and an image forming apparatus. The claimed electronic camera comprises: an image capturing unit capturing an image of a subject, and outputting an image signal (This is supported, for example, by elements 1-4 of Figure 1, page 14, lines 7



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and 8, page 26, lines 10-20, page 70, lines 13-15, and page 73, lines 17-24 of the specification.); an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (This is supported, for example, by element 7 of Figure 1, element S1409 of Figure 14, page 12, lines 22-25, page 26, line 24 through page 27, line 4, and page 73, lines 10-16 of the specification.); a shooting condition correcting unit correcting a shooting condition for exposure or image quality at the time of shooting (This is supported, for example, by element 21 of Figure 1, elements S1402-S1410 of Figure 14, page 12, line 25 through page 13, line 2, page 13, line 14 through page 14, line 2, page 29, lines 7-13, and page 73, line 14 through page 74, line 19 of the specification); a setting unit automatically setting correction instruction information for instructing a correction for a process performed when the image forming apparatus forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit, the shooting condition being the shooting condition under which the subject was captured (This is supported, for example, by elements 7 and 9 of Figure 1, Figure 13, element S1510 of Figure 15, page 13, lines 2-7, and page 76, line 15 through page 77, line 14 of the specification.); an outputting unit associating the set correction instruction information for instructing a correction for a process performed when the image forming apparatus forms a visible image, which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data (This is supported, for example, by



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element 7 of Figure 1, element S1422 of Figure 14, element S1522 of Figure 15, page 13, lines 7-13, page 75, lines 16-21, and page 78, lines 15-20 of the specification.). The claimed image forming apparatus comprises: a reading unit reading image data to be formed as an image, and the set correction instruction information in association with the image data (This is supported, for example, by elements 63 and 65 of Figure 12, element S1801 of Figure 18, page 68, line 24 through page 70, line 10, and page 82, lines 10-21 of the specification.); an image forming processing unit performing an image quality forming process based on the correction instruction information read by said reading unit (This is supported, for example, by element 31 of Figure 2, elements 63 and 65 of Figure 12, elements S1802-S1805 of Figure 18, page 29, line 14 through page 30, line 7, page 68, line 24 through page 70, line 10, and page 82, line 11 through page 83, line 4 of the specification.); an outputting unit outputting the image data for which the image process is performed by said image forming processing unit (This is supported, for example, by elements 31 and 35 of Figure 2, element S1813 of Figure 18, page 29 line 14 through page 30, line 7, and page 84, lines 16-19 of the specification.).

Corresponding independent method claim 21 recites corresponding acts performed by the system in independent system claim 17. Accordingly, the acts recited in claim 21 are supported by the sections of the application cited above with reference to claim 17.



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## VI. Grounds of Rejection to be Reviewed on Appeal

The issues presented for review are whether:

(1) (separately patentable and argued groups of) claims 1-4, 7-11, 13-21, 48-52, 54-58 and 60-64 were properly rejected under U.S.C. § 103(a) as being unpatentable over the Ichikawa patent in view of the Inuiya patent; and

(2) claims 5, 6, 12, 53 and 59 were properly rejected under U.S.C. § 103(a) as being unpatentable over the Ichikawa patent in view of the Inuiya patent, and further in view of the Yamagishi patent.

## VII. Argument

The appellant respectfully requests that the Board reverse the final rejection of claims 1-21 and 48-64 in view of the following.

### Rejections under 35 U.S.C. § 103

Claims 1-4, 7-11, 13-21, 48-52, 54-58 and 60-64 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,850,271 ("the Ichikawa patent") in view of U.S. Patent No. 6,597,468 ("the Inuiya patent"). The appellant respectfully requests that the Board review and reverse this ground of rejection in view of the following.



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***Group I: Claims 1, 7, 8, 13, 48, 49, 54, 55 and 60***

Independent claims 1, 7, 8 and 13 are not rendered obvious by the Ichikawa and Inuiya patents (1) because these patents neither teach, nor suggest, ***automatically selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information stored in a storing unit, based on an image capturing condition*** set by a setting unit, the image capturing condition being the image capturing condition under which a subject was captured, and (2) because one skilled in the art would not have combined these references as proposed by the Examiner. Each of these issues is addressed below.

The Ichikawa and Inuiya patents neither teach, nor suggest, ***automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by the setting unit***, the image capturing condition being the image capturing condition under which the subject was captured. Although the Examiner contends that the Ichikawa patent teaches selecting a predetermined piece of image forming instruction information (since the user can turn off a re-learning mode so that the user can perform image correction manually), and that this inherently teaches performing correction based on shooting conditions under which the subject was captured (since the user considers how the shooting conditions affect the image being reviewed at an LCD viewfinder) (See Paper No. 20070809,



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page 3.), the Examiner concedes that this is not done automatically, based on the image capturing condition set by a setting unit. (See Paper No. 20070809, page 4.)

In an attempt to compensate for this admitted deficiency of the Ichikawa patent, the Examiner relies on the fact that the Inuiya patent stores "additional information" to process images captured under one of (A) a wide dynamic range mode, (B) a panoramic mode, and (C) a stroboscopic action mode. (See Paper No. 20070809, pages 4 and 5.) That is, the Examiner contends that this teaches selecting a predetermined piece of image forming instruction information based on a set image capturing condition. (See Paper No. 20070809, page 6.) The Examiner also notes that the Inuiya patent discloses storing different shooting condition information in a tag area. (See Paper No. 20070809, page 6.)

First, storing additional information to process images captured under one of (A) a wide dynamic range ***mode***, (B) a panoramic ***mode***, and (C) a stroboscopic action ***mode*** does not teach automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the ***image capturing condition*** set by said setting unit. Referring to Figure 4A of the present application, it is clear that the modes of the Inuiya patent are not ***image capturing conditions***, such as scene luminance, subject distance, shutter speed, aperture, strobe, view angle, etc. Furthermore, the shooting condition information stored in a tag area allegedly



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taught by the Inuiya patent is not used to automatically select a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in a storing unit. Thus, independent claims 1, 7, 8 and 13 are not rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reason.

Second, one skilled in the art would not have combined the Ichikawa and Inuiya patents as proposed by the Examiner. The Examiner concludes:

> taking ***the combined teaching of Ichikawa in view of Inuiya as a whole,*** it would have been obvious ... to modify Ichikawa by having the selecting unit automatically selecting said predetermined piece of image forming instruction information, based on the image capturing condition set by said setting unit. [Emphasis added.]

(Paper No. 20070809, page 6) First, the appellant respectfully submits that the Examiner's using "the combined teaching of Ichikawa in view of Inuiya as a whole" as a starting point of his obviousness analysis is clearly inappropriate. That is, the Examiner is effectively "bootstrapping" his obviousness analysis by taking the combined teaching as a whole before ever demonstrating an obvious reason to combine the teachings of these patents.

Furthermore, the Examiner alleges, on the one hand, that the Ichikawa patent teaches selecting a predetermined piece of image forming instruction



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information since the user can turn off a re-learning mode ***so that the user can perform image correction manually***, and that this inherently teaches performing correction based on shooting conditions under which the subject was captured ***since the user considers*** how the shooting conditions affect the image being reviewed at an LCD viewfinder, while on the other hand arguing that one skilled in the art would have modified this selection to "minimize the amount of operations performed by the user..." (Paper No. 20070809, page 6). This makes no sense. More specifically, ***one skilled in the art would not have replaced a feature whose express purpose is to allow manual input by a user, with an automated process that removes operations performed by the user.*** Thus, independent claims 1, 7, 8 and 13 are not rendered obvious by the Ichikawa and Inuiya patents for a least this additional reason.

Since claims 48 and 49 depend from claim 1, since claim 54 depends from claim 7, since claim 55 depends from claim 8 and since claim 60 depends from claim 13, these claims are similarly not rendered obvious by the Ichikawa and Inuiya patents.

***Group II: Claims 2, 9, 50 and 56***

Independent claims 2 and 9 are not rendered obvious by the Ichikawa and Inuiya patents (1) because these patents neither teach, nor suggest, ***automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes***



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***stored in a storing unit based on a shooting mode selected by a shooting mode selecting unit***, the shooting mode being the shooting mode under which a subject was captured, and (2) because one skilled in the art would not have combined these references as proposed by the Examiner. Each of these issues is addressed below.

First, independent claims 2 and 9 are not rendered obvious by the Ichikawa and Inuiya patents because these patents neither teach, nor suggest, ***automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes stored in a storing unit based on a shooting mode selected by a shooting mode selecting unit***, the shooting mode being the shooting mode under which the subject was captured. Although the Examiner contends that the Ichikawa patent teaches selecting a predetermined piece of image forming instruction information (since the user can turn off a re-learning mode so that the user can perform image correction manually), and that this inherently teaches performing correction based on shooting conditions under which the subject was captured (since the user considers how the shooting conditions affect the image being reviewed at an LCD viewfinder), the Examiner concedes that this is not done automatically, based on the image capturing condition set by a setting unit.

In an attempt to compensate for this admitted deficiency of the Ichikawa patent, the Examiner relies on the fact that the Inuiya patent stores "additional information" to process images captured under one of (A)



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a wide dynamic range mode, (B) a panoramic mode, and (C) a stroboscopic action mode. That is, the Examiner contends that this teaches selecting a predetermined piece of image forming instruction information (which is not image forming instruction ***mode*** information, as claimed) based on a selection of a shooting or picture mode. The Examiner also notes that the Inuiya patent discloses storing different shooting condition information in a tag area.

First, storing additional information to process images captured under one of (A) a wide dynamic range mode, (B) a panoramic mode, and (C) a stroboscopic action mode does not teach ***automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes stored in a storing unit based on a shooting mode selected by a shooting mode selecting unit***, the shooting mode being the shooting mode under which the subject was captured. Furthermore, the shooting condition information stored in a tag area allegedly taught by the Inuiya patent is not used to automatically select a predetermined piece of image forming instruction mode information from among the plurality of pieces of image forming instruction information stored in a storing unit. Thus, independent claims 2 and 9 are not rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reasons.

Second, one skilled in the art would not have combined these references as proposed by the Examiner for the reasons discussed above with respect to the claims of Group I. Thus, independent claims 2 and 9 are not



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rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reasons.

Since claims 50 and 56 depend from claims 2 and 9, respectively, these claims are similarly not rendered obvious by the Ichikawa and Inuiya patents.

***Group III: Claims 3, 10, 51 and 57***

Independent claims 3 and 10 are not rendered obvious by the Ichikawa and Inuiya patents (1) because these patents neither teach, nor suggest, ***automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes stored in a storing unit based on a condition for image capturing, which is set by an image capturing condition setting unit***, and (2) because one skilled in the art would not have combined these references as proposed by the Examiner. Each of these issues is addressed below.

First, independent claims 3 and 10 are not rendered obvious by the Ichikawa and Inuiya patents because these patents neither teach, nor suggest, ***automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes stored in a storing unit based on a condition for image capturing, which is set by an image capturing condition setting unit***, the image capturing condition being the image capturing condition under which the subject was captured. The fact that these patents don't teach or suggest ***automatically selecting a predetermined image***



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***forming instruction mode from among the plurality of image forming instruction modes*** was discussed above with reference to the claims of Group II. The fact that these patents don't teach or suggest ***automatically selecting a predetermined image forming instruction information (let alone image forming instruction mode) from among the plurality of image forming instruction modes stored in said storing unit based on the condition for image capturing*** was discussed above with reference to the claims of Group I. Thus, independent claims 3 and 10 are not rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reasons.

Second, one skilled in the art would not have combined these references as proposed by the Examiner for the reasons discussed above with respect to the claims of Group I. Thus, independent claims 3 and 10 are not rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reasons.

Since claims 51 and 57 depend from claims 3 and 10, respectively, these claims are similarly not rendered obvious by the Ichikawa and Inuiya patents.

***Group IV: Claims 4, 11, 52 and 58***

Independent claims 4 and 11 are not rendered obvious by the Ichikawa and Inuiya patents (1) because these patents neither teach, nor suggest, ***automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes***



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***stored in a storing unit based on both (1) a shooting mode selected by a shooting mode selecting unit, and (2) a condition for image capturing,*** which is set by an image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured, and (2) because one skilled in the art would not have combined these references as proposed by the Examiner. Each of these issues is addressed below.

First, independent claims 4 and 11 are not rendered obvious by the Ichikawa and Inuiya patents because these patents neither teach, nor suggest, ***automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes stored in a storing unit based on both (1) a shooting mode selected by a shooting mode selecting unit, and (2) a condition for image capturing,*** which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured. The fact that these patents don't teach or suggest ***automatically selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes*** was discussed above with reference to the claims of Group II. The fact that these patents don't teach or suggest ***automatically selecting a predetermined image forming instruction information (let alone image forming instruction mode) from among the plurality of image forming instruction modes stored in said storing unit based on both (1) the shooting mode selected by said shooting mode selecting unit, and (2) the condition for***



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***image capturing*** was discussed above with reference to the claims of Groups I and II. Thus, independent claims 4 and 11 are not rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reasons.

Second, one skilled in the art would not have combined these references as proposed by the Examiner for the reasons discussed above with respect to the claims of Group I. Thus, independent claims 4 and 11 are not rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reasons.

Since claims 52 and 58 depend from claims 4 and 11, respectively, these claims are similarly not rendered obvious by the Ichikawa and Inuiya patents.

***Group V: Claims 14, 17, 20, 21 and 61-64***

Independent claims 14, 17, 20 and 21 are not rendered obvious by the Ichikawa and Inuiya patents (1) because these patents neither teach, nor suggest, ***automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from image data, based on a shooting condition corrected by a shooting condition correcting unit***, the shooting condition being the shooting condition under which the subject was captured, and (2) because one skilled in the art would not have combined these references as proposed by the Examiner. Each of these issues is addressed below.



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First, independent claims 14, 17, 20 and 21 are not rendered obvious by the Ichikawa and Inuiya patents because these patents neither teach, nor suggest, ***automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from image data, based on a shooting condition corrected by a shooting condition correcting unit***, the shooting condition being the shooting condition under which the subject was captured. Although the Examiner contends that the Ichikawa patent teaches setting correction information (since the user can turn off a re-learning mode so that the user can perform image correction manually), and that this inherently teaches performing correction ***based on shooting conditions*** under which the subject was captured (since the user considers how the shooting conditions affect the image being reviewed at an LCD viewfinder), the Examiner concedes that this is not done automatically. (See Paper No. 20070809, pages 43-45.)

In an attempt to compensate for this admitted deficiency in the Ichikawa patent, the Examiner relies on the fact that the Inuiya patent stores "additional information" to process images captured under one of (A) a wide dynamic range mode, (B) a panoramic mode, and (C) a stroboscopic action mode. That is, the Examiner contends that this teaches selecting a shooting or picture mode (which is not ***automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from the image data***).



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The Examiner also notes that the Inuiya patent discloses storing different shooting condition information in a tag area.

First, using "additional information" to select a shooting or picture mode for images captured under one of (A) a wide dynamic range mode, (B) a panoramic mode, and (C) a stroboscopic action mode does not teach, nor does it suggest, ***automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from the image data***. Furthermore, the shooting condition information stored in a tag area allegedly taught by the Inuiya patent is not used to ***automatically set correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from the image data***. Thus, independent claims 14, 17, 20 and 21 are not rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reasons.

Second, one skilled in the art would not have combined these references as proposed by the Examiner for the reasons discussed above with respect to the claims of Group I. Thus, independent claims 14, 17, 20 and 21 are not rendered obvious by the Ichikawa and Inuiya patents for at least the foregoing reasons.

Since claims 61-64 depend from claims 14, 17, 20 and 21, respectively, these claims are similarly not rendered obvious by the Ichikawa and Inuiya patents.



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***Group VI: Claims 15, 16, 18 and 19***

First, since these claims directly or indirectly depend from claims 14 or 17, they are not rendered obvious by the Ichikawa and Inuiya patents for the reasons discussed above with reference to the claims of Group V.

Second, claims 15 and 18 are further not rendered obvious by the Ichikawa and Inuiya patents because these patents neither teach, nor suggest, setting correction instruction information for instructing whether or not to make a correction for each ***process that includes at least any of a grayscale process, a color process, and a sharpness process***, which are performed when the image forming apparatus forms a visible image from image data, based on a corrected shooting condition. The Examiner contends that the Ichikawa patent teaches color and sharpness processing. (See Paper No. 20070809, page 47.) Even if this is true, it does not teach setting correction instruction information for instructing whether or not to make a *correction for a color or sharpness process,* **which is performed when the *image forming apparatus forms a visible image from image data, based on a corrected shooting condition*** (which had been automatically selected). Therefore, claims 15 and 18 are not rendered obvious by the Ichikawa and Inuiya patents for at least this additional reason.

Third, one skilled in the art would not have combined these references as proposed by the Examiner for



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the reasons discussed above with respect to the claims of Group I. Thus, claims 15 and 18 are not rendered obvious by the Ichikawa and Inuiya patents for at least this additional reason.

Since claims 16 and 19 depend from claims 15 and 18, respectively, these claims are similarly not rendered obvious by the Ichikawa and Inuiya patents.

***Group VII: Claims 5, 6, 12, 53 and 59***

Claims 5, 6, 12, 53 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ichikawa patent in view of the Inuiya patent, in further view of U.S. Patent No. 6,965,410 B1 ("the Yamagishi patent"). The appellant respectfully requests that the Board review and reverse this ground of rejection in view of the following.

Independent claims 5 and 12 are not rendered obvious by the Ichikawa, Inuiya and Yamagishi patents (1) because these patents neither teach, nor suggest, ***automatically selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information stored in a storing unit, based on a priority assigned to an image capturing condition set by a setting unit***, the image capturing condition being the image capturing condition under which the subject was captured, and (2) because one skilled in the art would not have combined the purported



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teachings of these patents as proposed by the Examiner. Each of these issues is addressed below.

First, independent claims 5 and 12 are not rendered obvious by the Ichikawa, Inuiya and Yamagishi patents because these patents neither teach, nor suggest, ***automatically selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information stored in a storing unit, based on a priority assigned to an image capturing condition set by a setting unit***, the image capturing condition being the image capturing condition under which the subject was captured. The Examiner concedes that the Ichikawa and Inuiya patents fail to teach assigning priorities to the image capturing conditions and selecting pieces of information based on such an assigned priority. In an attempt to compensate for this admitted deficiency, the Examiner relies on the Yamagishi patent, where certain processes might not be performed under selected modes. (See Paper No. 20070809, page 65.) However, the claimed invention pertains to ***automatically selecting a predetermined piece of image forming instruction information*** from among a plurality of pieces of image forming instruction information stored in a storing unit, ***based on a priority assigned to an image capturing condition*** set by a setting unit, the image capturing condition being the image capturing condition ***under which the subject was captured***. Thus, the claimed invention requires that the selection occur ***after*** the image has already been captured. On the other hand, the cited portion of the Yamagishi patent concerns actions taken ***while*** (and even ***before***) capturing an image. Thus,



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even if the purported teachings of these patents were combined, the combination would not teach or suggest the claimed invention. Consequently, independent claims 5 and 12 are not rendered obvious by the Ichikawa, Inuiya and Yamagishi patents for at least this reason.

Second, one skilled in the art would not have combined the Ichikawa and Inuiya patents (let alone the Yamagishi patent) as proposed by the Examiner for the reasons discussed above with respect to the claims of Group I. Consequently, independent claims 5 and 12 are not rendered obvious by the Ichikawa, Inuiya and Yamagishi patents for at least this additional reason.

Third, the Examiner concludes:

> taking ***the combined teaching of Ichikawa in view of Inuiya and further in view of Yamagishi as a whole***, it would have been obvious ... to modify Ichikawa and Inuiya by assigning priorities to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit. The motivation to do so would have been to correctly process the image data captured by the camera since the image processing is performed based on the shooting mode being selected; this would also speed up the process of capturing and processing image. [Emphasis added.]

(Paper No. 20070809, pages 65 and 66)



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First, the appellant respectfully submits that the Examiner's using "the combined teaching of Ichikawa in view of Inuiya and further in view of Yamagishi as a whole" as a starting point of his obviousness analysis is clearly inappropriate. That is, the Examiner is effectively "bootstrapping" his obviousness analysis by taking the combined teaching as a whole before ever demonstrating an obvious reason to combine the teachings of these patents. Furthermore, one skilled in the art would have had no obvious reason to combine the purported teachings of the Yamagishi patent concerning actions taken while (and even before) capturing an image, to post processing of a previously captured and stored image. Thus, independent claims 5 and 12 are not rendered obvious by the Ichikawa, Inuiya and Yamagishi patents for at least this additional reason.

Since claims 6 and 53 depend from claim 5, and since claim 59 depends from claim 12, these claims are similarly not rendered obvious by the Ichikawa, Inuiya and Yamagishi patents.

## XIII. Claims appendix

An appendix containing a copy of the claims on appeal is filed herewith.

## IX. Evidence appendix

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor is there any other



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evidence entered by the Examiner and relied upon by the appellant in the appeal.

## X. Related proceedings appendix

There are no decisions rendered by a court of the Board in any proceeding identified in section II above pursuant to 37 C.F.R. § 41.38 (c) (1) (ii).

## Conclusion

In view of the foregoing, the appellant respectfully submits that the pending claims are in condition for allowance. Accordingly, the appellant requests that the Board reverse each of the outstanding grounds of rejection.

Any arguments made in this Appeal Brief pertain ***only*** to the specific aspects of the invention ***claimed***. Any arguments are made ***without prejudice to, or disclaimer of***, the appellant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

June 23, 2008

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

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John C. Pokotylo
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June 23, 2008
Date



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## CLAIMS APPENDIX PURSUANT TO 37 C.F.R. § 41.37 (c) (1) (viii)

Claim 1 (previously presented): An electronic camera, comprising:

an image capturing unit capturing an image of a subject, and outputting an image signal;

an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit;

a setting unit setting an image capturing condition for capturing the image of the subject;

a storing unit storing a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the image data;

a selecting unit automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured; and

an outputting unit associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data.

Claim 2 (previously presented): An electronic camera, comprising:



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an image capturing unit capturing an image of a subject, and outputting an image signal;

an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit;

a shooting mode selecting unit selecting a mode used for shooting from among a plurality of shooting modes;

a storing unit storing a plurality of image forming instruction modes used when an image forming apparatus forms a visible image based on the image data;

an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the shooting mode selected by said shooting mode selecting unit, the shooting mode being the shooting mode under which the subject was captured; and

an outputting unit associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data.

Claim 3 (previously presented): An electronic camera, comprising:

an image capturing unit capturing an image of a subject, and outputting an image signal;

an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit;



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an image capturing condition setting unit setting a condition for image capturing performed by said image capturing unit based on status of the subject;

a storing unit storing a plurality of image forming instruction modes used when an image forming apparatus forms a visible image based on the image data;

an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the condition for image capturing, which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured; and

an outputting unit associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data.

Claim 4 (previously presented): An electronic camera, comprising:

an image capturing unit capturing an image of a subject, and outputting an image signal;

an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit;

a shooting mode selecting unit selecting a mode used for shooting from among a plurality of shooting modes;

an image capturing condition setting unit setting a condition for image capturing performed by said image capturing unit based on status of the subject;



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a storing unit storing a plurality of image forming instruction modes used when an image forming apparatus forms a visible image based on the image data;

an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the shooting mode selected by said shooting mode selecting unit, and the condition for image capturing, which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured; and

an outputting unit associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data.

Claim 5 (previously presented): An electronic camera, comprising:

an image capturing unit capturing an image of a subject, and outputting an image signal;

an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit;

a setting unit setting an image capturing condition for capturing the image of the subject from among a plurality of image capturing conditions to which priorities are assigned;

a storing unit storing a plurality of pieces of image forming instruction information used when an image



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forming apparatus forms a visible image based on the image data;

a selecting unit automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on a priority assigned to the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured; and

an outputting unit associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data.

Claim 6 (original): The electronic camera according to claim 5, wherein:

the plurality of image capturing conditions include at least a mode used for shooting, and a condition for image capturing; and

the mode used for shooting is assigned a priority higher than the condition for image capturing.

Claim 7 (previously presented): An electronic camera system having an electronic camera, and an image forming apparatus, wherein:

the electronic camera comprises

an image capturing unit capturing an image of a subject, and outputting an image signal,



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an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit,

a setting unit setting an image capturing condition for capturing the image of the subject,

a storing unit storing a plurality of pieces of image forming instruction information used when the image forming apparatus forms a visible image based on the image data,

a selecting unit automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured and

an outputting unit associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data; and

the image forming apparatus comprises

a reading unit reading image data to be formed as an image, and the selected image forming instruction information in association with the image data,

an image forming mode selecting unit selecting an image forming mode, which corresponds to the image forming instruction information read by said reading unit, from among a plurality of image forming modes performing an image forming process according to a different condition,



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an image forming processing unit performing an image quality forming process according to the image forming mode selected by said image forming mode selecting unit, and

an image outputting unit outputting image data for which an image process is performed by said image forming processing unit.

Claim 8 (previously presented): A method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising:

setting an image capturing condition for capturing an image of a subject;

capturing the image of the subject, and outputting an image signal;

obtaining image data in a predetermined format based on the image signal;

automatically selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the obtained image data, according to the set image capturing condition, the image capturing condition being the image capturing condition under which the subject was captured; and

associating the selected image forming instruction information with the obtained image data, and outputting the selected image forming instruction information in association with the image data.



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Claim 9 (previously presented): A method associating predetermined information with image data, and outputting the predetermined information in associating with the image data, comprising:

selecting a mode used for shooting from among a plurality of shooting modes;

capturing an image of a subject, and outputting an image signal;

obtaining image data in a predetermined format based on the image signal;

automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when an image forming apparatus forms a visible image based on the obtained image data, according to the selected shooting mode, the shooting mode being the shooting mode under which the subject was captured; and

associating the selected image forming instruction mode with the obtained image data, and outputting the selected image forming instruction mode in associating with the image data.

Claim 10 (previously presented): A method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising:

setting a condition for image capturing based on status of a subject;

capturing an image of the subject, and outputting an image signal;

obtaining image data in a predetermined format based on the image signal;



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automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when an image forming apparatus forms a visible image based on the obtained image data, according to the set condition for image capturing, the set condition for image capturing being the set condition for image capturing under which the subject was captured; and

associating the selected image forming instruction mode with the obtained image data, and outputting the selected image forming instruction mode in association with the image data.

Claim 11 (previously presented): A method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising:

selecting a mode used for shooting from among a plurality of shooting modes;

setting a condition for image capturing based on status of a subject;

capturing an image of the subject, and outputting an image signal;

obtaining image data in a predetermined format based on the image signal;

automatically selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when an image forming apparatus forms a visible image based on the obtained image data, according to the selected shooting mode and the set condition for image capturing, the set condition



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for image capturing being the set condition for image capturing under which the subject was captured; and

associating the selected image forming instruction mode with the obtained image data, and outputting the selected image forming instruction mode in associating with the image data.

Claim 12 (previously presented): A method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising:

setting an image capturing condition for capturing an image of a subject from among a plurality of image capturing conditions to which priorities are assigned;

capturing the image of the subject, and outputting an image signal;

obtaining image data in a predetermined format based on the image signal;

automatically selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the obtained image data, according to a priority assigned to the set image capturing condition, the image capturing condition being the image capturing condition under which the subject was captured; and

associating the selected image forming instruction information with the obtained image data, and outputting the selected image forming instruction information in associating with the image data.



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Claim 13 (previously presented): An image forming method, comprising:

setting an image capturing condition for capturing an image of a subject,

capturing the image of the subject, and outputting an image signal,

obtaining image data in a predetermined format based on the image signal,

automatically selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the obtained image data, according to the set image capturing condition, the image capturing condition being the image capturing condition under which the subject was captured, and

associating the selected image forming instruction information with the obtained image data, and outputting the selected image forming instruction information in associating with the image data, in an electronic camera; and

reading image data to be formed as an image, and the selected image forming instruction information in associating with the image data,

selecting an image forming mode which corresponds to the read image forming instruction information from among a plurality of image forming modes performing an image forming process according to a different condition,

performing an image quality forming process according to the selected image forming mode, and



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outputting the image data for which the image process is performed as the image quality forming process, in an image forming apparatus.

Claim 14 (previously presented): An electronic camera, comprising:

an image capturing unit capturing an image of a subject, and outputting an image signal;

an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit;

a shooting condition correcting unit correcting a shooting condition for exposure or image quality at the time of shooting;

a setting unit automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit, the shooting condition being the shooting condition under which the subject was captured; and

an outputting unit associating the set correction instruction information for instructing a correction for a process performed when the image forming apparatus forms a visible image, which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data.

Claim 15 (previously presented): The electronic camera according to claim 14, wherein



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said setting unit sets correction instruction information for instructing whether or not to make a correction for each process that includes at least any of a grayscale process, a color process, and a sharpness process, which are performed when the image forming apparatus forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit.

Claim 16 (previously presented): The electronic camera according to claim 15, wherein

said setting unit sets correction instruction information for instructing corrections for a plurality of combined processes performed when the image forming apparatus forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit.

Claim 17 (previously presented): An electronic camera system having an electronic camera and an image forming apparatus, wherein:

the electronic camera comprises

an image capturing unit capturing an image of a subject, and outputting an image signal,

an image processing unit obtaining image data in a predetermined format based on the image signal captured by said image capturing unit,

a shooting condition correcting unit correcting a shooting condition for exposure or image quality at the time of shooting,

a setting unit automatically setting correction instruction information for instructing a correction for



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a process performed when the image forming apparatus forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit, the shooting condition being the shooting condition under which the subject was captured, and

an outputting unit associating the set correction instruction information for instructing a correction for a process performed when the image forming apparatus forms a visible image, which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data; and

the image forming apparatus comprises

a reading unit reading image data to be formed as an image, and the set correction instruction information in association with the image data,

an image forming processing unit performing an image quality forming process based on the correction instruction information read by said reading unit, and

an outputting unit outputting the image data for which the image process is performed by said image forming processing unit.

Claim 18 (previously presented): The electronic camera system according to claim 17, wherein

said setting unit sets correction instruction information for instructing whether or not to make a correction for each process which includes at least any of a grayscale process, a color process, and a sharpness process, which are performed when the image forming apparatus forms a visible image from the image data,



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based on the shooting condition corrected by said shooting condition correcting unit.

Claim 19 (previously presented): The electronic camera system according to claim 18, wherein

said setting unit sets correction instruction information for instructing corrections for a plurality of combined processes performed when the image forming apparatus forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit.

Claim 20 (previously presented): A method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising:

correcting a shooting condition for exposure or image quality at the time of shooting;

capturing an image of a subject, and outputting an image signal;

obtaining image data in a predetermined format based on the image signal;

automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from the obtained image data, based on the corrected shooting condition, the shooting condition being the shooting condition under which the subject was captured; and

associating the set correction instruction information for instructing the correction for the process performed when the image forming apparatus forms



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a visible image with the image data, and outputting the set correction instruction information in association with the image data.

Claim 21 (previously presented): An image forming method, comprising:

correcting a shooting condition for exposure or image quality at the time of shooting,

capturing an image of a subject, and outputting an image signal,

obtaining image data in a predetermined format based on the image signal,

automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from the obtained image data, based on the corrected shooting condition, the shooting condition being the shooting condition under which the subject was captured, and

associating the set correction instruction information for instructing the correction for the process performed when the image forming apparatus forms a visible image with the image data, and outputting the set correction instruction information in association with the image data, in an electronic camera; and

reading image data to be formed as an image, and the set correction instruction information in association with the image data,

performing an image quality forming process based on the read correction instruction information, and



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outputting the image data for which the image process is performed as the image quality forming process, in an image forming apparatus.

Claims 22-47 (canceled)

Claim 48 (previously presented): The electronic camera according to claim 1, wherein the outputting unit automatically associates the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputs, to the image forming apparatus, the image forming instruction mode in association with the image data such that the image forming apparatus uses, automatically, the selected piece of image forming instruction information when forming the visible image based on the image data.

Claim 49 (previously presented): The electronic camera according to claim 1, wherein the image forming apparatus is a printer.

Claim 50 (previously presented): The electronic camera according to claim 2, wherein the image forming apparatus is a printer.

Claim 51 (previously presented): The electronic camera according to claim 3, wherein the image forming apparatus is a printer.

Claim 52 (previously presented): The electronic camera according to claim 4, wherein the image forming apparatus is a printer.



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Claim 53 (previously presented): The electronic camera according to claim 5, wherein the image forming apparatus is a printer.

Claim 54 (previously presented): The electronic camera system according to claim 7, wherein the image forming apparatus is a printer.

Claim 55 (previously presented): The method according to claim 8, wherein the image forming apparatus is a printer.

Claim 56 (previously presented): The method according to claim 9, wherein the image forming apparatus is a printer.

Claim 57 (previously presented): The method according to claim 10, wherein the image forming apparatus is a printer.

Claim 58 (previously presented): The method according to claim 11, wherein the image forming apparatus is a printer.

Claim 59 (previously presented): The method according to claim 12, wherein the image forming apparatus is a printer.

Claim 60 (previously presented): The method according to claim 13, wherein the image forming apparatus is a printer.



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Claim 61 (previously presented): The electronic camera according to claim 14, wherein the image forming apparatus is a printer.

Claim 62 (previously presented): The electronic camera system according to claim 17, wherein the image forming apparatus is a printer.

Claim 63 (previously presented): The method according to claim 20, wherein the image forming apparatus is a printer.

Claim 64 (previously presented): The method according to claim 21, wherein the image forming apparatus is a printer.



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**EVIDENCE APPENDIX PURSUANT TO**
**37 C.F.R. § 41.37 (c) (1) (ix)**

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor is there any other evidence entered by the Examiner and relied upon by the appellant in the appeal.

**RELATED PROCEEDINGS APPENDIX PURSUANT TO 37 C.F.R. § 41.37 (c) (1) (x)**

There are no decisions rendered by a court of the Board in any proceeding identified in section II of the Appeal Brief pursuant to 37 C.F.R. § 41.37 (c) (1) (ii).